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EXAMINER

SAVAGE, MATTHEW O

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,159

Applicant(s)

KNIGHT, STEVEN R.

Examiner

Matthew O Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-40 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

With respect to independent claims 1, 10, 23, and 29, the specification fails to disclose a device capable of providing an indication of the fluid pressure in the canister exceeding a certain value. Applicant should note that the specification discloses a device that provides an indication as to when the fluid pressure falls below a certain value as opposed to exceeding a certain value.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 9, 23-25, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Marvel.

With respect to claim 1, Marvel discloses a filter including a canister 1 (see FIG. 1) with a closed end and an opposite open end and ports 3, 5 for receiving fluid to be filtered and for discharging filtered fluid, a central stand pipe 16 with a distal free end

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toward the open end of the canister, the distal free end of the stand pipe having attachment means (e.g., the threaded connection, it is noted that "attachment means" does not invoke 35 U.S.C. 112, sixth paragraph since claims 2-3 further structurally defines the means), a cover 7 enclosing the open end of the canister and having a central opening, a filter element 9 in the canister for filtering fluid, and an indicator handle assembly including a body 19, 23 with a collar 15 extending through the central opening with corresponding attachment means cooperating with the attachment means of the stand pipe, and a handle 23 that can be manually manipulated by an operator to attach the indicator handle to the stand pipe, and a device (e.g., the fluid, seat, and ball valve 29) responsive to fluid pressure within the canister providing an indication of the fluid pressure in the canister exceeding a certain value that the filter element is spend and needs to be replaced.

With respect to claim 23, Marvel discloses a handle indicator assembly for fixing a cover to filter canister including a body 19, 23 having a collar 15 and means (e.g., the threads, wherein 35 U.S.C. 112, sixth paragraph has not been invoked since claim 24 further structurally defines the means) for attaching the collar to a central stand pipe 16 in the canister, an internal passage 17 through the collar to a central chamber (e.g., within parts 19 and 23) in the body, a handle 23 which can be grasped by an operator and manipulated to attach the body to the central stand pipe, and an indicator device (e.g., the fluid) in the central chamber responsive to fluid pressure through the passage and providing an indication of the fluid pressure exceeding a certain value.

Regarding claims 2 and 24, Marvel discloses threaded attachment means/screw threads.

Concerning claim 3, Marvel discloses the body as being rotatable around a central axis to screw the collar onto and off of the stand pipe.

As to claim 4, Marvel discloses the body as including a central chamber (e.g., located within parts 19 and 23) and the collar as including an internal passage 11, 17 fluidly connecting the central chamber with the canister.

Regarding claim 5, Marvel discloses the device 29 as being located in the central chamber 19.

Regarding claim 6, Marvel discloses the device (e.g., the fluid and ball) as being movable into multiple positions within the body, the handle 23 constraining the fluid pressure responsive device to only axial movement in the body.

Concerning claims 8 and 27, Marvel discloses the collar 15 as being unitary with the body.

As to claims 9 and 28, Marvel discloses the body as including a transparent cap 19 with the pressure responsive device 29 being visually inspected through the cap.

As to claim 25, Marvel discloses the device as being movable within the body with the handle as constraining the fluid pressure responsive device only to axial movement.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10, 11, 13-19, 26, 29, 30, 32-34, 36, and 37 are rejected under 35

U.S.C. 103(a) as being unpatentable over Marvel in view of Cooper.

With respect to claim 10, Marvel discloses a canister 1 with a closed end and an opposite open end, a cover 7 enclosing the open end of the canister and having a central opening, the filter including ports 3, 5 for receiving fluid to be filtered and for discharging filtered fluid, a ring shaped filter element 9 received in the canister for separating contaminants from the fluid, the canister having a central axially extending stand pipe 16 projecting from the closed end of the canister, through the filter element towards the opposite open end of the canister, the distal free end of the stand pipe having a threaded portion, an indicator handle having a body 19, 23 with a handle portion 23 having a collar 15 extending through the central opening in the cover and having a threaded portion cooperating with the threaded portion of the central stand pipe to retain the cover on the canister, and a mechanical indicator portion (e.g., the fluid, seat, and ball valve) including a button (e.g., the ball) responsive to fluid pressure within the canister, the button movable within the body to provide a visual indication of the fluid pressure in the canister exceeding a predetermined value indicating that the filter element is spent and needs to be replaced with a fresh element. Marvel fails to specify handle rod. Cooper discloses an analogous handle having a rod 65 supported transversely to a central axis of the body and suggests that such a structure facilitates turning of the handle. It would have been obvious to have modified the apparatus of

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Marvel so as to have included a rod as suggested by Cooper in order to facilitate turning of the handle.

With respect to claim 29, Marvel discloses a body 19, 23 with a handle portion 23 having a threaded collar 15, an internal passage 17 through the collar to a chamber in the body, and a mechanical indicator portion (e.g., the fluid, seat, and ball valve) including a button (e.g., the ball) responsive to fluid pressure received through the passage, the button movable within the body to provide a visual indication of the fluid pressure in the canister exceeding a predetermined value. Marvel fails to specify handle rod. Cooper discloses an analogous handle having a rod 65 and suggests that such a structure enables turning the handle without a wrench. It would have been obvious to have modified the apparatus of Marvel so as to have included a rod as suggested by Cooper in order to enable turning of the handle without a wrench.

With respect to claims 7 and 26, Marvel fails to specify the handle as including a rod supported transversely to a central axis of the body. Cooper discloses an analogous handle having a rod 65 supported transversely to a central axis of the body and suggests that such a structure enables turning the handle without a wrench. It would have been obvious to have modified the apparatus of Marvel so as to have included a rod as suggested by Cooper in order to enable turning of the handle without a wrench.

Concerning claims 11 and 30, Cooper discloses the handle rod as being supported transversely to a central axis of the body and projecting outwardly from the body for rotation by the operator.

As to claim 13, Marvel discloses the body as having a central axis and being rotatable about its central axis to screw the collar into the standpipe and the button 29 as being movable along the central axis.

Regarding claim 14, Marvel discloses the body as having a central chamber (e.g., defined by part 19) and the collar as including a central passageway 17 connecting the central chamber with the canister.

Concerning claims 15 and 33, Marvel discloses the body as having an opening at another end, a transparent cap 19 attached and enclosing the opening at the other end of the body, wherein movement of the button can be visually confirmed through the transparent cap.

As to claims 16 and 34, Marvel discloses an annular seal 27 between the button and body.

Regarding claims 18 and 36, Marvel discloses the handle portion as being integral with the mechanical indicator portion 29.

Concerning claims 19 and 37, Marvel discloses the collar 15 as being unitary with the body.

As to claim 32, Marvel and Cooper together suggest the handle rod, which forms part of the body, as constraining the button to only axial movement in the body.

Claims 12, 17, 20-22, 31, and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, first paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

M. Savage
Matthew O Savage
Primary Examiner
Art Unit 1723

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March 20, 2003